



Appeals and State Hearings Newsletter

Website: www.ladpss.org

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Our address: 3833 S Vermont Ave - 4th floor
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status on State Hearing compliances

Last year in August 2003, overdue compliances for LA County totaled 134. Thereafter, County staff made great strides in reducing non-compliances so that overdue compliances for August 2004 decreased to 41 - a 69% improvement ratio. We commend the effort of appeals liaisons and line staff who have contributed to this significant improvement. Keep up the good work !!

Anatomy of a Position Statement



It is the responsibility of the County Representative to prepare a typewritten statement of position which is to be made available to the claimant prior to the hearing. The Statement of Position (SOP) needs to confirm the County's action to be discussed at the hearing; it must summarize the facts of the case and set forth the regulatory justification for the County's action. A good SOP will provide important information to the Judge and other parties. It will also serve as the agenda for the hearing assisting the Judge in determining what issues must be resolved and what information is needed. Finally, in the conclusion, the SOP should pull together all the pieces of the County Representative's argument and persuade the Judge of the correctness of the County's action.



Case Correction Memos (PA 411) sent by ASH to district offices now identify potential Food Stamp errors. If the issue involves Food Stamps, a notation on the upper right hand corner of the PA 411 alerts districts that the case in question may have a potential Food Stamp error!



In September 2004, there were 170 PA 411s with FS alert notations. Remember that a corrected case means one less error case!!!

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Dear Ashley

Dear Ashley:

I received a PA 411, Case Correction Memo from ASH on a conditional withdrawal of a hearing request for one of my cases. The Case Correction Memo orders my district to make certain corrections. I haven't been able to make the corrections within the 30 days allowed. The claimant is very upset and is threatening to "reopen" the hearing. Can she do that after signing a CWD???



Signed,
Too Much to Do

Dear Too,

The right to a hearing belongs to the claimant; therefore, he/she can reopen the hearing request at any time. When a hearing request is resolved by conditional withdrawal, the Appeals Hearing Specialist negotiates the conditions of the withdrawal with the county office and with the person making the hearing request - the claimant. The Specialist sends a PA 411, Case Correction Memo to the district and a conditional withdrawal form to the claimant. The claimant's conditional withdrawal form lists the corrections the county agrees to make and tells the claimant that the corrections will be made within 30 days. The Case Correction Memo tells the district what changes must be made to correct the claimant's case and why the changes are necessary. When the district fails to make the necessary corrections within 30 days, many claimants reopen their hearing requests. This means that the specialist is then obligated to bring the case to a state hearing where an Administrative Law Judge will order the county, by state hearing decision, to make the necessary case corrections. These kinds of hearings can be avoided if districts can correct cases within the 30 day period allowed.



HAPPY HALLOWEEN